

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

UNITED STATES OF AMERICA

NO. 5:05-CR-083-C(02)

v.

JUAN ANTHONY REYES

**GOVERNMENT'S RESPONSE TO DEFENDANT'S**  
**MOTION UNDER 18 U.S.C. § 3582(c)(2)**

**I. Eligibility**

A. The government:

agrees with the probation worksheet's finding that the defendant is ineligible for a sentence reduction and asks the Court to deny the motion.

agrees with the probation worksheet's finding that the defendant is eligible for a sentence reduction. Please see Part II for the government's recommendation as to whether to grant the motion for reduction.

does not agree with the probation worksheet's findings on the defendant's eligibility for a sentence reduction for the following reasons:

**II. Recommendation (prosecutor will complete only if the defendant is eligible for a reduction)**

A. If the defendant is eligible, the government:

- i.  opposes any reduction.
- ii.  does not oppose a reduction, but only to
  - the top of the new guideline range.
  - the middle of the new guideline range.
  - other:
- iii.  does not oppose a reduction to the bottom of the defendant's new guideline range, which is the lowest sentence the defendant may receive. *See USSG § 1B1.10(2)(A).*
- iv.  does not oppose a reduction to 0 months, which is \_\_\_\_\_% below 0 months, the bottom of the new guideline range. This is because the defendant's prior sentence of 0 months was \_\_\_\_\_% below 0 months, the bottom of the original range (applicable only if a defendant received a below-guidelines sentence due to a substantial-assistance motion, *see USSG § 1B1.10(b)(2)(B)).*

B. If the government checked boxes (i.) or (ii.) above—and therefore opposes a full reduction in the defendant's sentence—the reasons include (prosecutor will check one or more):

- the defendant's criminal history
- the offense conduct or relevant conduct
- the defendant's post-sentencing conduct
- other:

Further explanation of the government's opposition includes:

Criminal History - At the time the defendant committed the offense in this case, he had one felony conviction and five misdemeanor convictions. He had been released from prison less than two years at the time he committed this federal offense. His criminal history category was VI.

Post-Sentencing Conduct - The defendant has been disciplined while in the custody of the Bureau of Prisons on this conviction at least five times.

Respectfully submitted,

JOHN R. PARKER  
UNITED STATES ATTORNEY

s/Denise Williams

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed  
on 2/13/16 to Juan Anthony Reyes, Reg. No. 31910-177,  
FCI Seagoville, P.O. Box 9000, Seagoville, TX 75159.

s/ Denise Williams  
DENISE WILLIAMS  
Assistant United States Attorney